

NUREG/BR-0025



INFORMATION REPORT ON

State Legislation

OFFICE OF STATE PROGRAMS
U. S. NUCLEAR REGULATORY COMMISSION

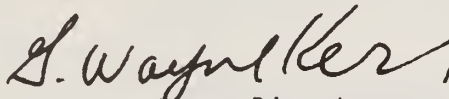
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May 1982

The NRC held a meeting with the State Liaison Officers (SLO's) of Region V, in Walnut Creek, California, March 31-April 1. SLO's are Governor-appointed State representatives, who keep the States abreast of the NRC regulatory program from a national perspective, and serve as points of contact to the NRC on a wide range of issues involving nuclear energy. Originally, the SLO program was developed to improve Federal/State cooperation, particularly where active or imminent licensing reviews or siting issues on nuclear facilities were concerned. To date, the program has expanded to include such issues as waste management, emergency preparedness, decommissioning and enforcement policy.


Topics of discussion at the Region V meeting included emergency preparedness, high and low level radioactive waste, transportation, the Agreement State program, and NRC's regionalization. All States attended except for Nevada, whose representative was prevented from attending due to inclement weather.

Legislative activity has been slower in 1982, as is usually the case in even-numbered years. The States whose legislative sessions have already adjourned are Florida, Georgia, Idaho, Indiana, Minnesota, New Mexico, South Dakota, Utah, Virginia (not carried over to 1983), West Virginia and Wyoming.



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Energy Offices

Florida S-741
Florida H-1046
Hawaii H-2973
Kansas SR-1850
Massachusetts H-4106
Vermont H-708

Power Plant Siting

Arizona S-1334
Massachusetts H-4998
Minnesota S-1948
Washington H-912

Safeguards

California S-1473
Connecticut H-5678
New Jersey S-537
New Jersey S-690

Public Utility Commission

Connecticut H-5185
Massachusetts H-5125

Power Plants

Connecticut S-311
Connecticut S-313
Maine LD-1989
Massachusetts H-3120
Massachusetts H-2784
New Hampshire H-36
Pennsylvania HR-166
Tennessee SJR-223
Washington H-1212

Transportation

Florida H-932
Florida S-751, S-540
Massachusetts H-3231
Massachusetts H-3233
Mississippi S-2707

Emergency Preparedness

Florida H-1033
New Jersey S-281
Vermont H-720

Decommissioning

Maine LD-2030

High-Level Waste

Kansas H-2935
Kansas H-2967
Massachusetts H-3119
Massachusetts H-4100
Washington HJM-23

Low-Level Waste

Kansas H-2810
Maryland S-743*
Maryland S-748
Maryland S-810*
Maryland S-1066
Maryland H-1507
Massachusetts H-3222

Legislative & Executive Branch Activities

Maryland S-743*
Maryland S-810*
Washington SCR-140*

Low-Level Waste Compacts

South Carolina H-3590
Tennessee S-2193

Radiation

Maryland H-432
Massachusetts H-2463
Ohio H-860

Radioactive Waste, Handling and Financial Management

California SJR-27
Hawaii HCR-53
Massachusetts H-2782
Minnesota H-1934
Washington SCR-140*

Environmental Controls

Massachusetts H-2783

*Bill appears in more than one category.

Uranium Mining

Minnesota S-1219

Insurance

New Jersey S-56

New Jersey S-130

New Jersey S-353

General

Massachusetts H-2642

INTRODUCED LEGISLATION

ARIZONA

Power Plant Siting S-1334. Establishes a Power Plant and Transmission Line Siting Committee. The Committee will establish the procedures necessary for expeditious review of proposed siting plans, will conduct hearings, and will establish plans for timely decisions regarding the issuance of a certificate of environmental compatibility for the proposed site. Details membership of the committee. (Introduced 2/9/82.)

CALIFORNIA

Power Plant Demonstrations S-1473. Would reimburse local agencies for certain costs incurred by them to meet the added burdens of providing law enforcement protection under extraordinary circumstances caused by demonstrations at nuclear power plants during the first half of fiscal year 1981-82. (Introduced 2/12/82.)

CONNECTICUT

Millstone III S-311. Requires electric companies owning portions of Millstone III to be more accountable for cost overruns and provides an incentive to such companies to minimize costs. Electric companies would receive a lower rate of return on their investments if the final cost exceeds their initial estimate. (Introduced 2/23/82.)

Three Mile Island S-313. Prohibits any subsidization of the Three Mile Island clean-up by Connecticut ratepayers. (Introduced 2/23/82.)

Public Utilities H-5185. Would terminate the Public Utilities Control Authority and the Department of Public Utility Control. (Introduced 2/12/82.)

Police Protection H-5678. Would require State Police personnel to serve 24 hours a day at all nuclear power plants in the State. All NRC licensees operating such facilities in the State would be charged for expenses of the force. The Public Utility Department will pass on these expenses to their ratepayers. (Introduced 2/25/82.)

FLORIDA

Energy Data Center S-741. Creates an energy data center in the Department of Veteran and Community Affairs with duties to collect data on the extraction, production, transportation and sale of energy resources in the State in an efficient and expeditious manner. State and county municipal agencies will submit any information to the center upon request. (Introduced 1/28/82.)

FLORIDA Cont'd

Transportation S-751, S-540. Details shipping, inspection and notification procedures for shipments of radioactive materials. (Introduced 1/28/82.)

Transportation H-932. Amends previous bill by omitting placarding requirements of hazardous materials and affirming the right of the Department of Transportation and the Department of Highway Safety and Motor Vehicles to enforce the rules of other State agencies regarding placarding. Allows the Department to designate routes for shipments, and to make rules at least as restrictive as NRC regulations. Describes notification and inspection procedures for shipments. (Introduced 1/22/82.)

Emergency Preparedness H-1033. Establishes a means by which emergency response plans can be developed and tested by the State and each nuclear reactor operator licensed by the NRC. No department or agency of the State will be responsible for the funding of any activity relating to development or implementation of the plans. (Introduced 2/11/82.)

Department of Veteran & Community Affairs H-1046. Transfers all powers and duties in the Governor's office which relate to the planning and development of energy resources to the Department of Veteran and Community Affairs and the Division of Energy. The Division will analyze energy programs, coordinate efforts to seek support for State energy activities and prepare long-range forecasts of energy demands. (Introduced 2/11/82.)

HAWAII

Energy Trust Fund H-2973. Creates the State Energy Trust Fund and a trust fund tax to help finance the research, development and demonstration of alternate energy sources in Hawaii. The State's aim is to be energy self-sufficient by the year 2020 so as to reduce its dependency on outside sources of energy. (Introduced 2/17/82.)

KANSAS

Low-Level Waste H-2810. Establishes an Advisory Board on Low-Level Radioactive Waste. The Board will advise the State's representative to the Central Interstate Low-Level Radioactive Waste Commission on technical and policy matters. (Note: The State has not yet adopted the Compact.) (Introduced 2/2/82.)

KANSAS Cont'd

High-Level Waste H-2935. Prohibits disposal of high-level waste in bedded salt formations within the State. (Introduced 2/10/82.)

Licensing Prohibition H-2967. Prohibits the licensing of nuclear power plants until demonstrated technology exists for disposal of high-level waste. (Introduced 2/10/82.)

MAINE

Nuclear Fission Control Act LD-1989. Would prohibit the operation of nuclear fission thermal power plants in the State after November 2, 1987. (Note: This is an initiated bill [Initiative 2] which qualified for ballot. Maine law requires that qualified initiated bills be considered by the legislature and if adopted, become law. If they fail in the legislature they are placed on the ballot and voted upon). (Introduced 2/13/82.)

Decommissioning LD-2030. Ensures funding for the eventual decommissioning of and spent fuel disposal at any nuclear power plant. (Introduced 2/24/82.)

MARYLAND

Radiation Control-Remedies H-432. Establishes a \$5,000 fine (amending the previous penalty of \$10,000) for violations of the Radiation Control Act. (Introduced 2/24/82.)

Hazardous Substance and Low-Level Nuclear Waste Advisory Council S-743. Alters the membership of the above Council, to include five members from the hazardous and nuclear waste industries. These five members would be appointed by the Governor with the advice of the Secretary. (Introduced 2/11/82.)

Siting of Low-Level Waste S-748. Provides that the issuance of a certificate of public necessity for the siting of a low-level waste facility does not exempt the site from local zoning regulations. (Introduced 2/11/82.)

Low-Level Waste S-810. Allows health & safety standards to be set for the siting of a low-level waste facility, and provisions made for the classification of low-level nuclear wastes by radionuclide content and level of radioactivity for different storage or disposal procedures. Establishes a "Controlled Hazardous Substance Advisory Council" to assist in developing regulations regarding management and disposal of low-level waste. Also establishes a State Hazardous Substance Control Fund for emergency removal of the effects of any dangerous substance and

MARYLAND Cont'd

for activities related to control or monitoring of hazardous waste disposal. Allows the Governor to negotiate an interstate compact for low-level waste disposal. Details requirements for siting and management of low-level waste facilities. (Introduced 2/12/82.)

Low-Level Waste Siting S-1066. Provides that the issuance of a certificate of public necessity for the siting of a low-level waste repository in Calvert County does not exempt the site, or operation and transportation of waste on the site from complying with local zoning regulations. (Introduced 2/26/82.)

Hazardous Waste Siting Board H-1507. Provides that the issuance of a certificate of public necessity for the siting of low-level waste does not exempt a site from complying with local zoning regulations, laws or ordinances. (Introduced 2/12/82.)

MASSACHUSETTS

Hazardous Substance Monitoring H-2463. Authorizes local boards of Health, fire departments and citizens to monitor hazardous substances, including radioactive materials. Citizens who use or handle hazardous materials in the course of their work duties, or who are exposed to such substances in the event of an accident must provide Toxic Chemical Disclosure Forms each year to local boards of health or fire departments. The forms list chemicals that workers, residents or city fire personnel may be exposed to in their workplace or during an accident. (Introduced 1/6/82.)

Tort Actions H-2642. Actions for personal injury torts or for death arising from exposure to radioactive waste shall be commenced within three years after the effects of the injury were discovered. (Introduced 1/6/82.)

Siting H-2782. Requires that the General Court (the Massachusetts Legislature) be notified before any investigation of potential sites for radioactive waste storage repositories is conducted. (Introduced 1/6/82.)

Monitoring Nuclear Activities H-2783. Allows the monitoring of transportation, storage, use and release of nuclear materials, whether irradiated or not, as they pertain to power reactors and processing facilities. Monitoring stations will form a network to judge the movement, dispersal and reconcentration of radioactive materials. (Introduced 1/6/82.)

MASSACHUSETTS Cont'd

Moratorium H-2784. Mandates a moratorium on nuclear power plant construction until a safe method for the permanent disposal of radioactive waste is developed, tested and fully licensed. (Introduced 1/6/82.)

High-Level Waste H-3119. Prohibits the construction of any facility for the storage or disposal of spent fuel or high-level waste. (Introduced 1/6/82.)

Power-Plants H-3120. Permits nuclear power plants to be built only if full compensation is permitted for any person or business suffering economic loss or personal injury in the event of an accident. (Introduced 1/6/82.)

Low-Level Waste H-3222. Prohibits the establishment of low-level waste repositories in the State. (Introduced 1/6/82.)

Transportation H-3231. Prohibits the transportation of radioactive material through any city or town if their legislative bodies have restricted such action. (Introduced 1/6/82.)

Transportation H-3233. No person may transport radioactive material through any town unless:

- (a) the legislative body of the town approves it;
- (b) the Department of Public Health certifies safety standards have been met.

The Department has the option to order route changes or schedule travel in order to avoid weather or traffic conditions, etc. (Introduced 1/6/82.)

Storage of High-Level Waste H-4100. Prohibits construction of facilities for disposal of high-level waste unless the General Court approves it. (Introduced 1/6/82.)

Energy Siting Council H-4106. Makes the Energy Facilities Siting Council an independent agency, increases the effectiveness of the Council, and provides a lead agency for licensing major energy facilities in the State. (Introduced 1/6/82.)

Construction Costs H-4998. Prohibits the costs involved in the planning and construction of unfinished nuclear power facilities from being passed on to electricity consumers. (Introduced 1/6/82.)

Property Tax Revenues H-5125. Redistributes property tax revenues paid by a nuclear power plant. Requires public utilities owning nuclear plants to pay an excise tax to the State. Provides a formula for computing the tax. (Introduced 1/6/82.)

MINNESOTA

Uranium Development S-1219. Would regulate uranium development in the State by studying safety impacts of such development, and by creating a State policy outlining applicable laws and regulations. (Carried over to 1982.) (Introduced 4/6/81.)

Hazardous Waste Siting H-1934. The Commissioner of Administration may be directed to acquire water, air and development rights for sites and buffer areas surrounding sites for hazardous waste facilities approved by the Waste Management Board. Establishes a resource recovery revolving account consisting of funds appropriated by the State. Places a moratorium on waste disposal sites until approved by the Waste Management Board. (Introduced 2/8/82.)

Hennepin County Park S-1948. Allows the Hennepin County Park Reserve District to participate in the construction and operation of hydroelectric transmission facilities in connection with dams owned or controlled by the District. (Introduced 2/11/82.)

MISSISSIPPI

"Radioactive Materials Transportation Act" S-2707. A committee substitute for the original bill, this bill establishes a permit and fee system for regulation of the transportation of radioactive materials to be administered by the Emergency Management Agency. Provides for emergency response procedures to be followed in response to any incidents. (Introduced 1/20/82.)

NEW HAMPSHIRE

Seabrook H-36. Requires the Public Utilities Commission to have an independent risk analysis study and a separate economic analysis study conducted for the Seabrook nuclear power plant. (Introduced 1/27/82.)

NEW JERSEY

"Municipal Electric Power Authority Act" S-56. Authorizes municipalities to establish electric power authorities for the purpose of providing an adequate, reliable and economic electric power supply through the construction, financing and maintenance of electric power supply facilities. Encourages the purchase and resale of electric power and provides for the issuance of bonds. (Introduced 1/12/82.)

NEW JERSEY Cont'd

Tax Exemptions S-130. Exempts from taxation that portion of a taxpayer's gross receipts directly attributable to an increase in utility rates based on the cost of purchasing replacement power lost by the unscheduled shutdown of a nuclear power plant. (Introduced 1/12/82.)

Emergency Planning S-281. Prohibits the operation of any new nuclear power plants until Statewide evacuation plans have been adopted by the State and certified by the NRC. (Introduced 1/12/82.)

"Nuclear Accident Fault Determination Act" S-353. Prohibits any utility whose actions or omissions have contributed to an accident at a nuclear plant in which it has a financial interest from recovering repair costs from its ratepayers. (Introduced 1/12/82.)

Sabotage S-537. Persons who knowingly destroy or damage a facility, equipment or material belonging to a public utility, threatening release of radioactivity, may be sentenced to a term of 5 to 10 years of imprisonment. Where the damage results in death of another individual due to exposure, the imprisonment term may be extended to 20 years to life. (Introduced 2/1/82.)

Supplement to the "Radiation Protection Act" S-690. Prior to issuance of a certificate of handling, the transporter of certain radioactive materials to or from a nuclear power plant will notify police at least 30 minutes in advance, whenever the shipment is to be left unattended for any reason. (Introduced 2/1/82.)

OHIO

Radiation Standards H-860. Allows the Public Health Council to establish standards designed to identify, prohibit and prevent improper radiation exposure by radiation handlers or licensed practitioners. (Introduced 2/16/82.)

SOUTH CAROLINA

Southeast Interstate Low-Level Radioactive Waste Compact H-3590. Would make the State a member of the above Compact; would limit the number of facilities needed to manage waste, encourage reduction in generation of waste, distribute the costs, benefits and obligations of waste management equitably among the party States, and ensure the ecological management of low-level waste. Eligible States to the Compact are: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina & Tennessee. (Introduced 2/23/82.)

TENNESSEE

Southeast Interstate Low-Level Radioactive Waste Compact S-2193. This bill is similar to South Carolina, H-3590. (Introduced 2/15/82.)

VERMONT

Energy Forecasts H-708. Establishes and implements a State energy policy and requires the Department of Public Service to conduct an ongoing study of Vermont's energy future. (Introduced 2/16/82.)

Emergency Preparedness H-720. Requires the preparation of an emergency plan designed to protect the lives and safety of persons living near operating nuclear reactors. The plan will be drafted and maintained by the Office of Civil Defense. Establishes a fund (Vermont Radiological Emergency Response Plan Fund) which requires payment from nuclear reactors for this purpose. (Introduced 3/1/82.)

WASHINGTON

Energy Facility Site Evaluation Council H-912. Directs the Council to establish limitations on time available at public hearings to applicants for energy facility siting. Gives the Council preemptory power to authorize the securing of necessary information for recording purposes. Requires application materials to be submitted in the form of environmental impact statements, pursuant to requirements. (Amendment) (Introduced 2/22/82.)

Termination of WNP-4 and WNP-5 H-1212. Requires the adoption of electrical rate structures which exempt the initial block of electricity consumed by residential consumers and the secondary block of electricity consumed by qualifying customers from rate increases resulting from the costs of construction and termination of WNP-4 and WNP-5. (Introduced 2/26/82.)

INTRODUCED RESOLUTIONS

CALIFORNIA

California SJR-27. Amended to request Congress and the President to ban all radioactive waste disposal on offshore California. The measure would propose an international treaty to prohibit disposal of radioactive waste in the Pacific Ocean. (Carried over to 1982) (Introduced 9/10/81.)

HAWAII

Hawaii HCR-53. Requests that Congress report its response to HR-40, adopted during the 1980 legislative session, which requests that alternatives to the storage or disposal of spent fuel in the Pacific Basin be reconsidered. (Introduced 2/8/82.)

KANSAS

Kansas SR-1850. Disapproves Executive Reorganization Order No. 19 which relates to the abolishment of the Kansas Energy Office. (Introduced 3/1/82.)

PENNSYLVANIA

Funding for TMI-2 HR-166. Urges the PUC to reconsider its decisions regarding the joint petition for a settlement on the partial funding of TMI-2 clean-up operations by Pennsylvania ratepayers, approved January 8, 1982. The three part rate fluctuation schedule resulting from the petition would be based in part on the timely restart of reactor number one. The Resolution expresses doubt as to the expeditious restart of Unit One due to the judicially mandated psychological impact study and the recent discovery of its defective cooling pipelines. (Introduced 2/24/82.)

TENNESSEE

Tennessee SJR-223. Urges the Tennessee Valley Authority to continue construction on the nuclear plant at Hartsville. (Introduced 2/15/82.)

WASHINGTON

Washington HJM-23. Urges Congress and the Administration to place emphasis with respect to national policy on the following areas:

- (1) Assuring full State participation in the federal decision-making process of a high-level waste repository site by including the State Legislature and the Executive for joint determination of concurrence in any proposed federal action;
- (2) Permitting nuclear plant owners to expand their on-site spent fuel storage capacity rather than requiring away-from-reactor (AFR) storage;

WASHINGTON Cont'd

- (3) Proceeding (on the federal level) with a regional high-level waste disposal concept similar to the federal Low-Level Radioactive Waste Policy Act (P.L. 96-573) of 1980; and
- (4) Providing the necessary fiscal resources for States to become meaningful participants in the federal decision-making process concerning waste disposal. (Introduced 2/9/82.)

Radioactive Waste Committee SCR-140. Requests that a Joint Select Committee on Radioactive Waste be established to respond to Federal proposals, to evaluate alternatives available to Washington State in the establishment of a national system of radioactive waste repositories, and to consider other matters related to the management of high and low-level waste. (Introduced 2/3/82.)

UNITED STATES
NUCLEAR REGULATORY COMMISSION
WASHINGTON, D. C. 20555

